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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,422	06/24/2003	Branislav N. Meandzija	15685P206	3316

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SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

ARANI, TAGHI T

ART UNIT	PAPER NUMBER
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2139

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/603,422

Applicant(s)

MEANDZIJA ET AL.

Examiner

Taghi T. Arani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 5-9, 12-16, 18-20, 22-24, 26-31, 33 is/are rejected.
- 7) ☐ Claim(s) 3,4,10,11,17,21,25 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-33 have been examined and are pending.

Response to Arguments

2. Applicant's arguments filed 1/22/2007 have been fully considered but they are not persuasive. Applicant has argued that the "modification to the method and system of Kaliski with the teachings of Liu which would change the principle of operation of Kaliski" and that "Kaliski provides a complete solution for the verification of received time-varying values by requiring a client and a server to include facilities for generating a time-varying value 23 and 42, respectively" and "[T]here is no motivation to provide any further verification of any time stamp by combining Kaliski with any trusted entity in Liu". Applicants further argues that "Liu provides no further verification beyond that already provided by the facility for generating a time-varying value in Kaliski".

The Examiner responds that although both Kaliski and Liu are directed to verification of time-stamp, however, Kaliski's verification is a mutual authentication between client and server while Liu's verification is through a trusted third party by using time-stamp certification which makes it difficult to forge (Liu, col. 13, lines 25-37). That is to say, in Kaliski time-stamp is verified if they match, while in Liu the verified time-stamp needs to be certified by a trusted entity in order to prove its authenticity which provides assurance that access point or wireless device providing verified timestamp is not an unauthorized one.

Applicants still have failed to identify specific claim limitations, which would define a patentable distinction over prior arts.

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Therefore, the examiner asserts that cited prior arts do teach or suggest the subject matter recited in independent claims 1, 8, 23, and 30 and in subsequent dependent claims 2, 5-7, 9, 12-16, 18-20, 22, 24, 26-29, 31 and 33. Accordingly, rejections for claims 1-33 are respectfully maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-2, 5-6, 8-9, 12-13, 15-16, 18-20, 22-24, 26-38, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art of record, US patent 6,189,098 to kaliski, Jr. and further in view of US 6,760,752 to Liu et al (hereinafter "Liu").

As per claims 1 and 8, kaliski, Jr. teaches a method performed by a user terminal of a wireless access network and a user terminal, the method and the user terminal comprising (Figs. 4A, 4B, 5 and associated texts):

obtaining a time reference from an access point of the wireless access network (col. 7, lines 65 through col. 8, line 3, Fig. 5 and associated text, message 11, see also claim 5 for wireless communications);

receiving a digital certificate issued by a certificate authority from the access point (col. 7, lines 65 through col. 8, line 3, Fig. 5, message 11, see also col. 8, lines 53-55);

receiving certification of the time reference (col. 8, lines 29-33, message 11 combines the server certificate with the signed time-varying value; and validating the digital certificate (col. 8, lines 56-58, i.e. the client verifies the time-varying value and the certificate 41 of server);

However, Kaliski, Jr. does not teach but Liu teaches requesting certification of the time reference by a trusted entity (col. 15, lines 18-31, where the client application requests public key of the recipient and a time-stamp certificate from the key server),

Therefore, it would have been obvious to one of ordinary skill in the art to modify the method and system of kaliski, Jr. with the teachings of Liu to have kaliski, Jr.'s user terminal request certification of the time reference by a trusted entity to make the time stamp difficult to forge (Liu, col. 13, lines 25-37).

As per claims 2 and 9, Kaliski, Jr. as modifies teaches the method and the user terminal of claims 1 and 8 respectively, wherein requesting certification of the time reference comprises sending a message used to authenticate the user terminal to the access point, the message containing a timestamp (col. 4, lines 39-41, the message includes a time-varying value (TS) based on the time reference and an identification of the trusted entity by which certification is to be performed (col. 4, lines 42-55, where the message is encrypted using server's public key (i.e. identity of the trusted entity), see also col. 5, lines 37-59, col. 11, lines 19-30).

As per claims 5 and 12, Kaliski, Jr. as modifies teaches the method and the user terminal of claims 1 and 8 respectively, wherein requesting certification of the time reference comprises sending a message to the trusted entity, the message containing a

timestamp and a request to compare the timestamp to a local time of the trusted entity (col. 8, lines 4-22).

As per claims 6 and 13, Kaliski, Jr. teaches the method and the user terminal of claims 1 and 8, wherein the digital certificate has a validity period and wherein validating the access point comprises; determining whether the validity period has expired using the certified time reference (col. 8, lines 43—48).

Claims 23-24, 26-28 recite machine-readable medium performing the operations corresponding to method claims 1-2, 5-6. Claims 23-24 and 27-29 are rejected for the same reasons provided in the statement of rejections of claims 1-2 and 5-6 above

As per claims 15 and 19, Kaliski, Jr. teaches a method performed by an access point of a wireless access network, the method comprising:

receiving a message including a timestamp from a user terminal of the wireless access network (Fig. 3 A and associated text, col. 4, lines 39-55);

authenticating the user terminal using the message (Fig. 3B and associated text, col. 4, line 56 through col. 5, line 11);

While Kaliski Jr. discloses sending the timestamp certification to the user terminal (col. 8, lines 29-55), Kaliski Jr. does not teach but Liu teaches:

sending a request for certification of the timestamp to a trusted entity that is trusted by the user terminal;

receiving a time certification message signed by the trusted entity including a verification of the timestamp; (col. 15, lines 18-31, where the wrapper application requests public key of the recipient and a time-stamp certificate from the key server and

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the key server generates a time stamp certificate and returns it to the wrapping application),

Therefore, it would have been obvious to one of ordinary skill in the art to modify the method and system of kaliski, Jr. with the teachings of Liu to have kaliski, Jr.'s access point to have a trusted entity certify the time stamp by a trusted entity to make the time stamp difficult to forge (Liu, col. 13, lines 25-37).

As per claims 16 and 20, Kaliski, Jr. as modifies teaches the method and the access point of claims 15 and 19 respectively, wherein the message further includes a request that the timestamp be certified by the trusted entity and an identification of the trusted entity (col. 8, lines 29-33, where the message 11 signed by the server's private key includes CERT-S signed by the trusted certification authority (col. 8, lines 18-21)).

17. The method of claim 16, wherein the identification of the trusted entity comprises a list of entities trusted by the user terminal.

As per claim 17, Kaliski, Jr. as modifies teaches the method of claim 16, wherein the identification of the trusted entity comprises a list of entities trusted by the user terminal.

As per claims 18 and 22, Kaliski, Jr. as modifies teaches the method and the access point of claims 15 and 19 respectively, wherein sending a request for certification of the timestamp comprises forwarding the timestamp to the trusted entity so that the trusted entity can compare the timestamp to a local time of the trusted entity (col. 8, lines 33-55).

Claims 30-31 and 33 recite machine-readable medium performing the operations corresponding to method claims 15-16 and 18. Claims 30-31 and 33 are rejected for the same reasons provided in the statement of rejections of claims 15-16 and 18 above.

4. Claims 7, 14 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art of record, kaliski, Jr. and Liu as applied to claim 1 and 8 above, and further in view of US 2004/0066736 A1 to Kroeger.

As per claims 7 and 14, the combination Kaliski, Jr. and Liu teach the method and the terminal of claims 1 and 8 respectively, except wherein the time reference comprises an absolute frame number.

However, the examiner asserts that the time reference comprising absolute frame number is old and well known in the art. For example, Kroeger discloses an In-Band-On-Channel Digital Audio Broadcasting system (IBOC DAB) which provides digital audio and data services to multiple receivers, wherein each of the output frames includes a plurality of blocks of data and each of the output frames is synchronized with an absolute time reference (Kroeger, paragraphs 0022-0023). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Kroeger within the method and system of Kaliski – Liu to have the time reference include absolute frame number to enable faster tuning, symbol and frame acquisition as well as transmission of services which are dependent on the location (Kroeger, paragraph 0031).

Claims 29 recites machine-readable medium performing the operations corresponding to method claim 7. Claim 29 is rejected for the same reasons provided in the statement of rejections of claims 1-2 and 5-7 above

Allowable Subject Matter

5. Claims 3-4, 10-11, 17, 21, 25 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Action is Final

6. **THIS ACTION IS FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

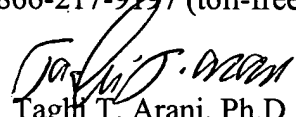
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taghi T. Arani whose telephone number is (571) 272-3787. The examiner can normally be reached on 8:00-5:30 Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Taghi T. Arani, Ph.D.
Primary Examiner
Art Unit 2131
3/29/2007